

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT



To: The Honorable Mayor and City Council
From: Laura Matthews, Deputy City Clerk, 213-4828
Date: April 8, 2009
Meeting Date: April 21, 2009

Title: Consideration of Liquor License Application: Lauren Kay Merrett, "Taverna Greek Grill", 2420 S. Woodlands Village Blvd., Series 12, New License.

Recommended Action:

Open the public hearing.
Receive citizen input.
Close the public hearing.

The City Council has the option to:

- (1) Forward the application to the State with a recommendation for approval;
 - (2) Forward the application to the State with no recommendation; or
 - (3) Forward the application to the State with a recommendation for denial based on the testimony received at the public hearing and/or other factors.
-

ACTION SUMMARY:

The Council's action will depend on testimony received at the public hearing, to be conducted under the attached Liquor License Application Hearing Procedures.

DISCUSSION:

Background/History:

- An application for a new Series 12 liquor license was received from Lauren Merrett on behalf of Taverna Greek Grill, 2420 S. Woodlands Village Blvd.
- A background investigation performed by Sgt. Ryan Coons of the Flagstaff Police Department resulted in a recommendation for approval.
- A background investigation performed by Chuck Ley, Code Compliance Supervisor, resulted in no active enforcement issues being noted.
- Sales tax and licensing information was reviewed by Steve Shafer, Tax, Licensing & Revenue Administrator, who stated that the business has not yet applied for a sales tax license and at this time is in good standing. ~~Please see his memo for further comments.~~

Key Considerations:

- Because the application is for a new license, consideration may be given to the location and to the applicant's personal qualifications.

- A Series 12 license allows the holder of a restaurant license to sell and serve spirituous liquor solely for consumption on the premises of an establishment which derives at least forty percent (40%) of its gross revenue from the sale of food.
- The deadline for issuing a recommendation on this application is May 25, 2009.
- The State recently updated their liquor license application with two significant changes: (1) the applicant is no longer required to provide the distance between the applicant's business and the nearest church or school for government (Series 05), hotel/motel (Series 11), or restaurant, (Series 12) liquor license applications; and (2) the State no longer requires a geological map or list of licenses in the vicinity for any license series.

Community Benefits and Considerations:

- This business will contribute to the tax base of the community.
- We are not aware of any other relevant considerations.

Community Involvement:

- The application was properly posted on March 31, 2009.
- No written protests have been received to date.

Financial Implications:

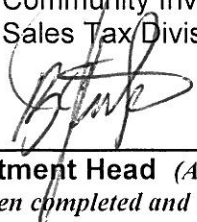
- There is no budgetary impact to the City of Flagstaff.

Options and Alternatives:

- (1) Table the item if additional information or time is needed.
- (2) Make no recommendation.
- (3) Forward the application to the State with a recommendation for approval.
- (4) Forward the application to the State with a recommendation for denial, stating the reasons for such recommendation.

Attachments/Exhibits:

- Clerk's notification letter to applicant.
- City of Flagstaff Liquor License Application Hearing Procedures.
- Arizona Dept. of Liquor Licenses and Control description of series.
- Copy of the investigative memo from the Flagstaff Police Department.
- Copy of the investigative memo from the Community Investment Division.
- Copy of the investigative memo from the Sales Tax Division.


Department Head *(Acknowledgment that all reviews have been completed and required approvals initialed below.)*

INITIALS	RESPONSIBILITY	DATE	INITIALS	RESPONSIBILITY	DATE
_____	BIDS/PURCHASES	_____	_____	FINANCE/BUDGET	_____
_____	GRANTS	_____	_____	CONTRACTS	_____
_____	LEGAL	_____	_____	IGAS	_____
_____	_____	_____	_____	_____	_____

DATE OF COUNCIL APPROVAL: _____



City of Flagstaff

OFFICE OF THE CITY CLERK

April 8, 2009

Ms. Lauren Merrett
736 S. Longmore Street
Chandler, AZ 85224

Dear Ms. Merrett:

Your application for a new Series 12 liquor license for Taverna Greek Grill was posted on March 31, 2009. The City Council will consider the application at a public hearing during their regularly scheduled City Council Meeting on Tuesday, April 21, 2009, which begins at 5:00 p.m.

It is important that you or your representative attend this Council Meeting to make a presentation on your application and to answer any questions that the City Council may have. Failure to make a presentation could result in a recommendation for denial of your application. We suggest that you contact your legal counsel or the Department of Liquor Licenses and Control at 602-542-5141 to determine the criteria for your license and to make a presentation on that information, as well as stating whether or not you have attended the necessary training, whether or not you have had a business prior to this one, and, if so, the kinds of business(es) you have operated. To help you understand how the public hearing process will be conducted, we are enclosing a copy of the City's liquor license application hearing procedures.

The twenty-day posting period for your liquor license application will expire on April 20, 2009, and the application may be removed from the premises any time after that date.

If you have any questions, please feel free to call me at 928-213-4828.

Sincerely,

Laura Matthews
Deputy City Clerk

Enclosure

3

Arizona Relay Service 7-1-1

211 West Aspen Avenue, Flagstaff, Arizona 86001
Main & TDD (928) 774-5281 • Fax (928) 779-7696





City of Flagstaff

Liquor License Application Hearing Procedures

1. When the matter is reached at the Council meeting, the presiding officer will accept a motion to open the public hearing on the item.
2. The presiding officer will request that the Applicant come forward to address the Council regarding the application in a presentation not exceeding ten (10) minutes. Council may question the Applicant regarding the testimony or other evidence provided by the Applicant.
3. The presiding officer will then ask whether City staff have information to present to the Council regarding the application. Staff should come forward at this point and present information to the Council in a presentation not exceeding ten (10) minutes. Council may question City staff regarding the testimony or other evidence provided by City staff.
4. Other parties, if any, may then testify, limited to three (3) minutes per person. Council may question these parties regarding the testimony they present to the Council.
5. The Applicant may make a concise closing statement to the Council, limited to five (5) minutes. During this statement, Council may ask additional questions of the Applicant.
6. City staff may make a concise closing statement to the Council, limited to five (5) minutes. During this statement, Council may ask additional questions of City Staff.
7. By motion, Council will then close the public hearing.
8. By motion, the Council will then vote to forward the application to the State with a recommendation of approval, disapproval, or shall vote to forward with no recommendation.

License Types: Series 12 Restaurant License

Non-transferable

On-sale retail privileges

Note: Terms in **BOLD CAPITALS** are defined in the glossary.

PURPOSE:

Allows the holder of a restaurant license to sell and serve spirituous liquor solely for consumption on the premises of an establishment which derives at least forty percent (40%) of its gross revenue from the sale of food.

ADDITIONAL RIGHTS AND RESPONSIBILITIES:

An applicant for a restaurant license must file a copy of its restaurant menu and Restaurant Operation Plan with the application. The Plan must include listings of all restaurant equipment and service items, the restaurant seating capacity, and other information requested by the department to substantiate that the restaurant will operate in compliance with Title 4.

The licensee must notify the Department, in advance, of any proposed changes in the seating capacity of the restaurant or dimensions of a restaurant facility.

A restaurant licensee must maintain complete restaurant services continually during the hours of selling and serving of spirituous liquor, until at least 10:00 p.m. daily, if any spirituous liquor is to be sold and served up to 2:00 a.m.

On any original applications, new managers and/or the person responsible for the day-to-day operations must attend a basic and management training class.

A licensee acting as a **RETAIL AGENT**, authorized to purchase and accept **DELIVERY** of spirituous liquor by other licensees, must receive a certificate of registration from the Department.

A **PREGNANCY WARNING SIGN** for pregnant women consuming spirituous liquor must be posted within twenty (20) feet of the cash register or behind the bar.

A log must be kept by the licensee of all persons employed at the premises including each employee's name, date and place of birth, address and responsibilities.

Bar, beer and wine bar, and restaurant licensees must pay an annual surcharge of \$20.00. The money collected from these licensees will be used by the Department for an auditor to review compliance by restaurants with the restaurant licensing provisions of ARS 4-205.02.

MEMORANDUM

TO: CHIEF COOPER

FROM: SGT RYAN COONS

DATE: APRIL 1ST, 2009

REF LIQUOR LICENSE APPLICATION FOR TAVERNA GREEK GRILL

On April 1st, 2009 I initiated an investigation into an application for a series 12 liquor license filed by Lauren Merrett on behalf of the Taverna Greek Grill. The restaurant is located at 2420 S. Woodlands Village Blvd. According to Lauren, Ryan Field is the owner and will be managing the restaurant while staff and a permanent manager are being hired. This is an application for a new license and the liquor license application number is #12033265.

I conducted query through local systems and public access on Ryan Field and no derogatory records were found.

Lauren advised that both Mr. Field's and the new manager when hired will complete the required alcohol training program provided by the Arizona department of liquor license and control.

As a result of this investigation, I can find no reason to oppose this series 12 liquor license application.


Recommendation to Council would be approval.



Planning and Development Services Memorandum

April 1, 2009

TO: Laura Matthews, Deputy City Clerk

THROUGH: Roger E. Eastman, AICP, Zoning Code Administrator 

FROM: Chuck Ley, Code Compliance Supervisor

RE: Application for Liquor License #1036740
2420 S. Woodlands Village Blvd., Flagstaff, Arizona 86001
Assessor's Parcel Number 112-29-014B
Lauren Merrett, Taverna Greek Grill

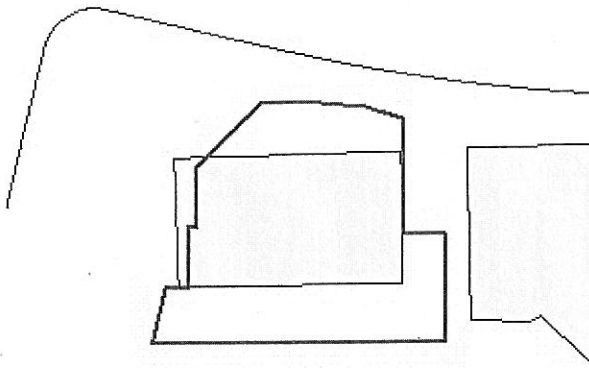
This application is a request for a Series 12 liquor license from Lauren Merrett on behalf of Taverna Greek grill, located in the UC (Urban Commercial District) zoning district. This district allows the sale of alcoholic beverages.

This is a new liquor license for a new business currently under construction located at 2420 S. Woodlands Village Blvd.



City of Flagstaff, AZ-Parcel summary

Printed: 3/30/2009



Parcel ID 112-29-014B
PIN 33479

Owner
 FLORENCE & ARIZONA LLC

Mailing Address
 7025 N SCOTTSDALE RD STE 303

City SCOTTSDALE **State** AZ **Zip** 85239

Site Address
 2420 S WOODLANDS VILLAGE BLVD

Recent Sale Date 5/14/2007
Sale Amount \$0

Map Scale = 1:1127

Subdivision	Tract	Lot
WOODLANDS VILLAGE UNIT 3		
Zoning Code	Zoning Description	
UC	URBAN COMMERCIAL	

Section	Township	Range	Imp Size	Parcel Size
029	21N	07E	N/A	0.3 AC

Impervious

Units	Area	ERUs	Fee
N/A			

Permits

Type	Permit #	Permit Name	Status
BCBL	2008033	ELPASO BBQ NEW CONSTRUCTION	OPEN
ESWR	2008005	EL PASO BBQ	OPEN
EWTR	2008011	EL PASO BBQ	OPEN
EGRD	2008018	EL PASO BBQ	OPEN
EPCK	2008019	EL PASO BBQ	OPEN
PCPR	2008017	WOODLANDS VILLAGE	OPEN
BCBM	2006049	TGI FRIDAY'S	EXPR
ESTS	T2008014	EL PASO BBQ	VOID
EGRD	T2008020	EL PASO BBQ	VOID
EWTR	T2008014	EL PASO BBQ	VOID
BCOO	T2009008	ELPASO BBQ NEW CONSTRUCTION	OPEN

Disclaimer: Map and parcel information is believed to be accurate but accuracy is not guaranteed. **No portion of the information should be considered to be, or used as, a legal document.** The information is provided subject to the express condition that the user knowingly waives any and all claims for damages against City of Flagstaff that may arise from the use of this data.

Memo

To: Laura Matthews, Deputy City Clerk

From: Steve Shafer, Tax, Licensing & Revenue Administrator



Date: April 13, 2009

Re: Liquor License Application for Taverna Greek Grill

This business has applied for and been issued a city Transaction Privilege (Sales) Tax license. At this time this business is in good standing with the Tax , Licensing & Revenue Section.

Memos/liquor licenses/taverna greek grill 2